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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

Justice K. S. Puttaswamy (Retd.) & Anr

...Petitioner

VERSUS

Union of India & Ors.

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF STATE OF TRIPURA

I, J. K. Sinha, Resident Commissioner, Tripura Bhawan, Kautilaya Marg, Chanakya Puri, New Delhi, do hereby solemnly state and affirm as under:-

1. That I am the Resident Commissioner of the State of Tripura and am posted at the Tripura Bhawan at New Delhi. I am authorized to swear this affidavit on behalf of the State of Tripura.
2. This affidavit has been prepared on the basis of the instructions received from the Rural Development Department, Government of Tripura.
3. It is respectfully submitted that the as per guideline of UIDAI Authority, a person residing in India is eligible to get Aadhaar number only if he/she is having valid proof of identity (Pol) and proof of address (PoA). UIDAI has also suggested a list of Pol and PoA document which can be accepted for UID enrolment. In Tripura enrolments have been made on the

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basis of valid documents and there is no record of enrolment of illegal migrants with the Nodal Department.

4. It is respectfully submitted that the UIDAI authority has not made Aadhaar as mandatory, however it has been informed that it will help to get various Government benefits. For issuance of Aadhaar number demographic information and biometric information of residents have been collected. Provision of Introducer has not been adopted in Tripura and all enrolments have been made on the basis of documents. Therefore question of enrolment of illegal immigrants does not arise.
5. It is submitted that the biometric data collected during enrolment have been uploaded and stored in CIDR, UIDAI in encrypted form. The Registrar packets generated during enrolment also have been stored in encrypted form in Tripura State Data Centre (data of resident of Tripura) maintained by IT Department. Hence privacy and security of public data has been ensured in the State.
6. It is respectfully submitted that the Iris scan of each individual is also unique in nature and hence inclusion of iris scanning in UID enrolment will serve a alternative biometric authentication option. In Tripura only one Government Department was entrusted as Nodal Department for UID enrolment.

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7. It is respectfully submitted that in Tripura enrolment through state registrar was completed on 15.01.2012. This is true that collection of biometric information like finger print scan, iris scan and face photograph are a precedent condition for issue of Aadhaar number.
8. It is submitted that the biometric data that are being collected during enrolment are being uploaded in UIDAI, CIDR in encrypted form through SFTP. As per guideline, UIDAI will not share the biometric details of any person with any third party.
9. It is respectfully submitted that in our State though the enrolment work was done by a Private Agency but Government Officials were involved in the whole process and all the enrolments have been made through verification of the enrollees by Government Officials (designated for the purpose) based on either valid Pol & PoA documents or as per record of name in the RoR maintained by the Panchayats. In Tripura Concept of Introducer was not adopted.
10. It is submitted that as per UIDAI, Aadhaar is not a citizenship rather this is an unique identity number. Every residents of India who have valid Pol & PoA document are eligible to get Aadhaar number. Aadhaar number is being issued subject to capturing of demographic and biometric details of a person having age above 5 years. For below 5 Years no biometrics are being captured.

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11. That the facts stated in the above affidavit are true to my knowledge as furnished by the Department concerned.

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DEPONENT

J. K. Sinha

Resident Commissioner
Govt. of Tripura, New Delhi

VERIFICATION:

I the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge as furnished by the Department.

Verified at New Delhi on this 9th day of February, 2015.

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DEPONENT

J. K. Sinha

Resident Commissioner
Govt. of Tripura, New Delhi

(Gopal Singh)
Advocate for the State of Tripura
20-A, Lawyers Chamber,
Supreme Court of India,
New Delhi- 110001
Code No. 211

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3. It is respectfully submitted that the as per guideline of UIDAI Authority, a person residing in India is eligible to get Aadhaar number only if he/she is having valid proof of identity (PoI) and proof of address (PoA). UIDAI has also suggested a list of PoI and PoA document which can be accepted for UID enrolment. In Tripura enrolments have been made on the

basis of valid documents and there is no record of enrolment of illegal migrants with the Nodal Department.

4. It is respectfully submitted that the UIDAI authority has not made Aadhaar as mandatory, however it has been informed that it will help to get various Government benefits. For issuance of Aadhaar number demographic information and biometric information of residents have been collected. Provision of Introducer has not been adopted in Tripura and all enrolments have been made on the basis of documents. Therefore question of enrolment of illegal immigrants does not arise.
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DEPONENT

J. K. Sinha

Resident Commissioner
Govt. of Tripura, New Delhi

VERIFICATION:

I the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge as furnished by the Department.

Verified at New Delhi on this *9th* day of Febraury, 2015.

hine k S--

DEPONENT

J. K. Sinha

Resident Commissioner
Govt. of Tripura, New Delhi

(Gopal Singh)
Advocate for the State of Tripura
20-A, Lawyers Chamber,
Supreme Court of India,
New Delhi- 110001
Code No. 211